

Minister of Transport



Ministre des Transports

JUL 08 2019

Ottawa, Canada K1A 0N5

Mr. Keith Creel
President and Chief Executive Officer
Canadian Pacific Railway Company
7550 Ogden Dale Road SE
Calgary AB T2C 4X9

Dear Mr. Creel:

I am writing with regard to Ministerial Order (MO) 18-01, issued on December 20, 2018, in accordance with subsection 19(1) of the *Railway Safety Act* (RSA).

As I have previously stated, the Government of Canada is committed to the timely adoption and promotion of safe operating practices for railway companies and their employees. In particular, we all recognize that fatigue can severely affect human performance and ultimately compromise railway safety. That is why I instructed railway companies to revise the *Work/Rest Rules for Railway Operating Employees* (Work/Rest Rules), to ensure that they reflect the latest science and fatigue management practices.

I have considered your proposed rules and must inform you that I am very disappointed with your overall submission. Therefore, your submission is not approved, as it clearly did not address the fatigue-related risks identified in the Ministerial Order. The Notice of Refusal is enclosed.

In particular, I find all eight elements of fatigue discussed in the order to be deficient, and in some cases, not addressed at all. Your submission fails to treat fatigue as an issue that impacts all people equally regardless of the work they are performing and ignores fatigue science with respect to maximum hours of work, rest periods and split duty periods.

I want to emphasize that I take the issue of fatigue in the rail industry seriously and am confident that a multilayered approach to dealing with its associated risks is the best way forward. As a railway company, you are well positioned to propose rules that both respect fatigue science and take into account operational realities. I am therefore prepared to allow your company the opportunity to reconsider your position and propose further rules that fully address, at a minimum, the eight elements described in MO 18-01, by November 1, 2019.

Given that the rules greatly impact employees, I strongly encourage you to consult with your unions early on in the process. I have written to your union representatives and informed them of my decision, and fully expect all parties to collaborate on developing revised Work/Rest Rules that considers their input.

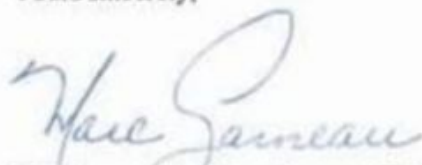
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In order to ensure a successful result, please find, in Annex A, additional information on Transport Canada's expectation with regards to rules and limits for all eight fatigue-related elements included in the original MO. I have instructed my officials to continue their dialogue with you and to offer additional insight, as required.

I am expecting that the work associated with the development of these rules will be undertaken as expeditiously as possible and will result in an acceptable submission, which will permanently address the issue of railway employee fatigue. It is expected that your new submission will be filed with Transport Canada by November 1, 2019. If not, I will pursue alternative means to achieve this result, including the development of rules or regulations.

Should you have any questions, I invite you to contact Ms. Brigitte Diogo, Director General, Rail Safety at (613) 998-8697 or at brigitte.diogo@tc.gc.ca.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Marc Garneau', is positioned above the printed name.

The Honourable Marc Garneau, P.C., M.P.
Minister of Transport

Enclosures